

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BARBARA CONNICK,

Plaintiff,

v.

**CONTINENTAL CASUALTY
COMPANY,**

Defendant.

CIVIL ACTION NO. 04-12208-WGY

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendant Continental Casualty Company ("Defendant" or "CNA"), by its attorneys, Sonnenschein Nath & Rosenthal LLP, and pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1, hereby moves this Court to enter summary judgment in its favor in the above-captioned matter.

In this action, Plaintiff Barbara Connick ("Plaintiff") claims that she was racially harassed in violation of Title VII of the Civil Rights Act, as amended. CNA seeks summary judgment in this action because Connick cannot prove that the allegedly harassing conduct rose to the level of severity necessary to establish a hostile work environment claim; and Connick cannot establish a basis for liability on the part of CNA. Specifically, in support of this Motion, CNA states:

1. There is no genuine issue of material fact for trial and CNA is entitled to judgment as a matter of law;
2. At all times CNA acted for legitimate business reasons and responded to all complaints with appropriate action;
3. Plaintiff cannot establish that she was subjected to unwelcome verbal or physical conduct relating to race that was sufficiently severe and pervasive to

alter the conditions of the Plaintiff's employment and create an abusive working environment;

4. Plaintiff cannot demonstrate a basis to hold CNA liable.

In further support of this Motion, CNA relies upon Defendant's Statement of Undisputed Material Facts in Support of its Motion for Summary Judgment, and its attachments, and Defendant's Memorandum of Law in Support of its Motion for Summary Judgment, which are being filed contemporaneously with this Motion.

WHEREFORE, Defendant Continental Casualty Company respectfully requests that this Court grant its Motion for Summary Judgment and award attorney's fees and costs and such other relief as this Court deems appropriate.

CERTIFICATE PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to LR 7.1(A)(2), the Defendant's undersigned counsel hereby certifies that prior to filing this motion, Defendant's counsel conferred with Plaintiff's counsel and attempted in good faith, but without success, to resolve the matters in issue.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

By: *Dana Gruen*
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November 29, 2005

I hereby certify that a true copy of the
above document was served upon (each
party appearing pro se and) the attorney
of record for each (other) party by ~~mail~~ *electronic filing*
(by hand) on 11-29-05
